



MINUTES

Of A

REGULAR COUNCIL MEETING

April 12, 2012

The City Council of the City of Longview, Texas, met in a Regular Session, April 12, 2012, at 5:30 P.M. in the Council Chambers of the Jo Ann Metcalf Municipal Building. Mayor Jay Dean presided.

Members present were:

Jay Dean
John Sims
Daryl Williams
Kasha Williams
Wayne Frost

Members absent were:

Richard Manley

Sidney Allen

Staff members present were:

David Willard, City Manager
Mary Ann Miller, Assistant to the City Manager
Chuck Ewings, Assistant City Manager
Shelly Ballenger, City Secretary
Jim Finley, City Attorney
Keith Bonds, Director of Public Works
Laura Hill, Director of Community Services
Karri Hyko, Director of Human Resources
Angela Coen, Director of Finance
J.P. Steelman, Fire Chief
Don Dingler, Chief of Police

I. CALL TO ORDER – Mayor Jay Dean called the meeting to order.

II. INVOCATION – Jonathan Painter, 3rd year bible student at Texas Baptist College in Longview, Texas, gave the invocation.

III. PLEDGE OF ALLEGIANCE – Jonathan Painter, 3rd year bible student at Texas Baptist College in Longview, Texas, led the pledge of allegiance.

IV. CITIZEN COMMENT

Sheri Blackmon, PO Box 6693, stated that Heritage Plaza was very dark and suggested some lighting be installed.

Council Member Kasha Williams agreed that it was dark.

Laura Hill, Director of Community Services, stated she would research the lighting.

V. PRESENTATION ITEMS

A. Presentation of a Proclamation for Sexual Assault Awareness Month

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Jay Dean, Mayor: Sexual Assault Awareness Month is intended to draw attention to the fact that sexual violence is widespread and has public health implications for every community member of Longview, Texas. Rape, sexual assault and sexual harassment impact our community as seen by statistics indicating that one in five women will have experienced sexual assault by the time they complete college. We must work together to educate our community about what can be done to prevent sexual assault and holding perpetrators who commit acts of violence responsible for their actions. The Women's Center of East Texas encourages every person to speak out when witnessing acts of violence however small. I, Jay Dean, by the authority vested in me as Mayor of the City of Longview, Texas, do hereby proclaim April as Sexual Assault Awareness Month in Longview.

Carol Ibarra was present and accepted the proclamation.

B. Presentation of a Proclamation for Longview Community Ministries Week –

Jay Dean, Mayor: Longview Community Ministries continues to fulfill its mission seeking new ways to collaborate and cooperate with churches, individuals, and civic groups to provide relief from human suffering. Longview Community Ministries maintain services of the LCM Service Center, Food Box Pantry, Meals on Wheels, Coats for Kids, and other programs. Longview Community Ministries Week is April 16 through 20, and includes several church events to help publicize LCM services. Longview Community Ministries' mission statement is to enable Longview congregations and groups to work together more effectively in the community through cooperative acts of service to assist persons in need. I, Jay Dean, by the authority vested in me as Mayor of the City of Longview, Texas, do hereby proclaim April 16 – 20, 2011 as Longview Community Ministries Week in Longview.

Donna Sharp, Executive Director of Longview Community Ministries, invited Council and the public to an open house on Monday, April 16th from 11:00 a.m. to 1:00 p.m. at 506 N. Second Street. Also in attendance were Lee Ratcliff, Board President and Sandra Skoog, Board of Directors Member.

VI. CONSENT AGENDA

A. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents with Southern Tire Mart, L.L.C., of Longview, Texas, for sections one and two of an invitation to bid for the annual requirements for vehicle tires and tire service and rejecting all bids for section three –

Jaye Latch, Purchasing Manager: This item is for the purchase of tires, and tire service. The bid consisted of three sections of tires and tire service. Evaluation is based on best prices and quality for the services published in each bid section. It is the intent to award by section.

On February 13, 2012 bid documents were mailed and emailed to Tire Vendors and posted on the City of Longview Website. Bids were advertised in the local newspaper on February 14, 2012 and February 21, 2012. On February 29, 2012 two (2) bids were on file and were opened.

The bids were from Southern Tire Mart, LLC. of Longview, Texas, and GCR Truck Tire Center of Longview, Texas.

Southern Tire Mart of Longview, Texas, was the low bidder for Section One. Southern Tire Mart of Longview, Texas, was low bidder for Section Two. Neither vendor provided adequate pricing information for Section Three. Southern Tire Mart, LLC of Longview, Texas, is recommended for award on Section One and Section Two. It is recommended to reject all bids for Section Three and to call for quotes each time a purchase of this type needs to be made. The annual volume of purchases for Section Three is minimal.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BIDS OF SOUTHERN TIRE MART, L.L.C., OF LONGVIEW, TEXAS; FOR VEHICLE TIRES AND TIRE SERVICE FOR SECTION ONE AND SECTION TWO OF INVITATION TO BID # 1112-07 FOR VEHICLE TIRES AND TIRE SERVICE; REJECTING ALL BIDS FOR SECTION THREE OF SAID INVITATION TO BID; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY FOR THE ACCEPTANCE OF SAID BIDS OR THE PURCHASES MADE PURSUANT TO SAME; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4434 appears in the Resolution and Ordinance records of the City of Longview.

- B. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any documents with Trane U.S. of Shreveport, Louisiana, in the amount of \$69,208.00, for a chiller and buffer tank for the Library –**

Jaye Latch, Purchasing Manager: This item would allow for the purchase of a 120 ton Chiller and 300 gallon Buffer Tank for the Library. This purchase was recommended by the engineering firm Johnson & Pace. Johnson & Pace was contracted by the Parks

Department to make a recommendation to the City as to the best way to solve the continuing air conditioning problems at the Library. The Library is currently running on 25 year old (1987) equipment.

We recommend that the City purchase this equipment by using the interlocal agreement that was established with The Cooperative Purchasing Network - "TCPN". The equipment listed has been properly bid and by purchasing from this interlocal agreement we fulfill bidding requirements under Chapter 252 of the Local Government Code.

The total of this transaction is \$69,208.00. This includes the 120 ton Chiller and 300 gallon Buffer Tank. This equipment is offered by Trane U.S. Inc. of Shreveport, Louisiana, under the interlocal agreement with "TCPN".

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF A 120-TON CHILLER AND 300-GALLON BUFFER TANK FROM TRANE U.S., INC., OF SHREVEPORT, LA., VIA THE CITY'S PARTICIPATION IN THE COOPERATIVE PURCHASING NETWORK (TCPN) SPONSORED BY THE REGION 4 EDUCATION SERVICE CENTER; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO NEGOTIATE AND EXECUTE ANY DOCUMENTS INCIDENT TO SAID PURCHASES; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASES ARE EXEMPT FROM STATE COMPETITIVE PURCHASING REQUIREMENTS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4435 appears in the Resolution and Ordinance records of the City of Longview.

C. Consider a Resolution authorizing the City Manager or his designee to execute an interlocal agreement with the City of Bedford for cooperative purchasing –

Jaye Latch, Purchasing Manager: The City of Longview wishes to enter into an interlocal agreement with the City of Bedford providing for the cooperative purchasing of goods and services (primarily in the area of duty uniforms both of the protective and non-protective type for the Fire/EMS Department). This resolution is basically a renewal/update of a similar Resolution No. 3027 that was approved by City Council on July 24, 2003.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY SECRETARY TO ATTEST TO AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF LONGVIEW AND THE CITY OF BEDFORD PROVIDING FOR COOPERATIVE PURCHASING; AUTHORIZING THE CITY MANAGER TO DESIGNATE AN OFFICIAL REPRESENTATIVE TO ACT FOR THE CITY OF LONGVIEW IN ALL MATTERS RELATING TO SAID COOPERATIVE PURCHASING AGREEMENT; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4436 appears in the Resolution and Ordinance records of the City of Longview.

D. Consider a Resolution accepting the 2010 Drainage Improvements Project and authorizing final payment in the amount of \$43,160.25 to Excel Utility Construction, Inc. of Longview, Texas –

Keith Bonds, P.E., Director of Public Works, requested Council to consider a Resolution accepting the 2010 Drainage Improvements Project and authorizing final payment in the

amount of \$43,160.25 to Excel Utility Construction, Inc. of Longview, Texas. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to Excel Utility Construction, Inc., on July 14, 2011 in the amount of \$327,830.00. The final construction cost is \$327,778.50.

This project consisted of constructing improvements to mitigate house flooding and/or storm sewer problems including the construction of 1350 linear feet of storm drain pipe and related work at Jane Drive, Rice Road, Tenth Street, Pinegrove Lane, and Weston Court; and miscellaneous work as necessary to complete the installation.

The project has been completed in accordance with the contract. The consultant, Hayes Engineering recommends acceptance of the project and approval of the final payment. Staff concurs with the recommendation.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT KNOWN AS "2010 DRAINAGE IMPROVEMENTS PROJECT"; AUTHORIZING AND APPROVING FINAL PAYMENT TO EXCEL UTILITY CONSTRUCTION, INC., OF LONGVIEW, TEXAS, FOR CONSTRUCTION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4437 appears in the Resolution and Ordinance records of the City of Longview.

MOTION: Council Member Wayne Frost made a motion to approve the consent agenda.

SECOND: Council Member Kasha Williams seconded the motion.

VOTE: The motion carried unanimously (6,0).

VII. ZONING – PUBLIC HEARING ITEMS

- A. A PUBLIC HEARING will be held to consider application #S12-01 filed by McDonald's for a Specific Use Permit (SUP) for a restaurant with a drive-thru window in General Retail (GR) Zoning District for Lot 5, Block A of the Longview Towne Crossing Subdivision located at 3086 N. Eastman Road. THIS ITEM REQUIRES A PUBLIC HEARING.**

Michael Shirley, AICP, City Planner: The Comprehensive Plan designates this area for Light Intensity Business. The applicant is requesting a Specific Use Permit (SUP) for a restaurant with drive-thru service in General Retail (GR) zoning district. A SUP is required for a restaurant with drive-thru service within GR zoning district to ensure no negative impact on surrounding properties, particularly if there is any residential property nearby. The applicant plans to construct a restaurant at the location. Staff finds this type use compatible with the surrounding zoning. Planning and Zoning Commission and Staff recommend approval of this request.

Council Member Sidney Allen asked where the entryway was located.

Michael Shirley: It will have shared cross access across the front connecting into Towne Crossing.

The public hearing was declared open.

There was no one in the audience to speak on this item.

The public hearing was declared closed.

MOTION: Council Member Daryl Williams made a motion the following Ordinance be approved:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY TO-WIT: THAT A SPECIFIC USE PERMIT IS HEREBY GRANTED FOR A RESTAURANT WITH A DRIVE-THRU WINDOW IN

GENERAL RETAIL (GR) ZONING DISTRICT FOR LOT 5, BLOCK A OF THE LONGVIEW TOWNE CROSSING SUBDIVISION LOCATED AT 3086 N. EASTMAN ROAD; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

SECOND: Council Member John Sims seconded the motion.

VOTE: The motion carried unanimously (6,0).

Such Ordinance is No. 3811 and appears in the Resolution and Ordinance records of the City of Longview.

- B. A PUBLIC HEARING will be held to consider application #PD12-04 filed by John King requesting to rezone Lots 1, 2, 13, 14 Block 1 Skyway Acres and a .157 acre residue of Abstract 258 P.P. Rains Survey Section 6 from Single Family (SF-2) to Planned Development General Retail conditioned on future site plan approval located on the southwest corner of Airline Road and East Loop 281. THIS ITEM REQUIRES A PUBLIC HEARING.**

Michael Shirley, AICP, City Planner: The Comprehensive Plan designates this area for Medium Intensity Business. The applicant is requesting a rezone from Single Family (SF-2) to Planned Development General Retail without site plan approval. When the developer decides to construct a building on the property, they will be required to come back to the Planning and Zoning Commission and City Council for final site plan approval. Loop 281 is a principal arterial which is appropriate for retail uses. This area is a transitional area and is appropriate for retail development as long as the adjacent

residential properties have proper protections. For this reason, staff recommends that the developer rezone to a planned development. Planning and Zoning Commission and Staff recommends approval of this request.

The public hearing was declared open.

John King, representing Sulphur Partners, 1217 Lovers Lane, Longview, was present and available for questions.

There was no one in the audience to speak on this item.

The public hearing was declared closed.

MOTION: Council Member Wayne Frost made a motion the following Ordinance be approved:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY LOTS 1, 2, 13, 14 BLOCK 1 SKYWAY ACRES AND A .157 ACRE RESIDUE OF ABSTRACT 258 P.P. RAINS SURVEY SECTION 6 LOCATED ON THE SOUTHWEST CORNER OF AIRLINE ROAD AND EAST LOOP 281 BE REZONED FROM SINGLE FAMILY (SF-2) TO PLANNED DEVELOPMENT GENERAL RETAIL CONDITIONED ON FUTURE SITE PLAN APPROVAL BY THE CITY COUNCIL; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS

CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

SECOND: Council Member John Sims seconded the motion.

VOTE: The motion carried unanimously (6,0).

Such Ordinance is No. 3812 and appears in the Resolution and Ordinance records of the City of Longview.

- C. A PUBLIC HEARING will be held to consider application #PD12-05 filed by Johnson and Pace for an amendment to PD07-02 to allow for changes to setbacks, lots, streets and to accommodate secondary emergency access for the Hollybrook Coves Subdivision located on Hollybrook Drive. THIS ITEM REQUIRES A PUBLIC HEARING.**

Michael Shirley, AICP, City Planner: The Comprehensive Plan designates this area for Light Intensity Business. The applicant is requesting to amend PD07-02 to allow for changes to front setbacks, lots, streets and to accommodate secondary emergency access for Hollybrook Coves Subdivision. Currently, the setback for each lot varies and some are not contiguous. With the requested change, the setbacks will become more uniform and many of the lots will now have backyards. The Fire Department also requested that the developer install a secondary emergency access for the subdivision. With this request, the developer was required to adjust a cul-de-sac by moving it further south so that it could line up with the secondary emergency access. With the cul-de-sac moving further south, the lots and setbacks must be realigned. Planning and Zoning Commission and Staff recommends approval of this request.

Council Member Wayne Frost asked where the access was located.

Michael Shirley clarified the access location and stated that it would be for the Fire Department only with no vehicular traffic access.

The public hearing was declared open.

Joe Hart, Johnson and Pace, 1201 NW Loop 281, Longview, was present and available for questions.

There was no one in the audience to speak on this item.

The public hearing was declared closed.

MOTION: Council Member Wayne Frost made a motion the following Ordinance be approved:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT PLANNED DEVELOPMENT SINGLE FAMILY DETACHED (PD07-02) IN THE HOLLYBROOK COVES SUBDIVISION LOCATED ON HOLLYBROOK DRIVE BE AMENDED TO ACCOMMODATE SECONDARY EMERGENCY ACCESS AND AS SET FORTH IN EXHIBIT "A" BEING HERETO ATTACHED AND MADE A PART HEREOF FOR ALL PURPOSES; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

SECOND: Council Member Daryl Williams seconded the motion.

VOTE: The motion carried unanimously (6,0).

Such Ordinance is No. 3813 and appears in the Resolution and Ordinance records of the City of Longview.

VIII. ACTION ITEMS

- A. Consider a Resolution for the creation of a nonmember, nonstock cultural education facilities finance corporation for the purpose acquiring, constructing, providing, improving, financing and refinancing facilities as permitted by the Cultural Education Facilities Finance Corporation Act and appointing initial board of directors of the corporation –**

Chuck Ewings, Assistant City Manager: The City of Longview has received a request from LV Medical Properties III, LLC for the creation of a Cultural Education Facilities Finance Corporation to assist in the development of a 74-unit assisted living facility at 1404 Lago Trail. While this is not a cultural education facility, state law permits the use of these types of local government corporations to assist in the finance of medical facilities such as the one proposed.

If approved by City Council, the corporation would have the capacity to issue tax-exempt bonds for the purpose of financing the proposed facility. The developer wishes to utilize the corporation to issue up to \$10,300,000 in bonds. The developer would be the guarantor of the bonds and the city has no obligation to repay the debt.

The Certified Retirement City Committee will review the request and make a recommendation to City Council as this facility may benefit the City as a retirement destination. The committee's recommendation will be forwarded to City Council next week since they will meet after the agenda is posted.

The corporation's affairs shall governed by a board of directors composed of at least three individuals appointed by the City. The initial members of the Corporation are hereby appointed:

Keith Honey

John Ray

Dan Droege

Chris Brogden and Mike Clowers, the project developers, were in the audience and available for questions.

Council Member Sidney Allen asked for clarification on the purpose of the corporation and its tax exempt bonds.

The clarification was that the bonds are 85% tax exempt with the remainder being taxable bonds.

MOTION: Council Member Wayne Frost made a motion the following Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, CREATING A NONMEMBER, NONSTOCK CULTURAL EDUCATION FACILITIES FINANCE CORPORATION FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, PROVIDING, IMPROVING, FINANCING AND REFINANCING CULTURAL EDUCATION FACILITIES TO ASSIST THE CULTURAL EDUCATION, AS STATED IN THE TEXAS CULTURAL EDUCATION FACILITIES FINANCE CORPORATION ACT AND APPOINTING THE INITIAL BOARD OF DIRECTORS OF THE CORPORATION: FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

SECOND: Council Member Sidney Allen seconded the motion.

VOTE: The motion carried unanimously (6,0).

Such Resolution is No. 4438 and appears in the Resolution and Ordinance records of the City of Longview.

B. Consider a Resolution transferring the Certificate of Convenience and Necessity for taxi service from the existing owner of London Cab Service to Kenneth Crawford –

Chuck Ewings, Assistant City Manager: Kenneth Crawford, owner of Yellow Checker Cab in Shreveport, LA, is purchasing London Cab Company and wishes to continue operating it under the current Certificate of Public Convenience and Necessity (CCN). To do so, City Council must approve the transfer of the CCN.

Mr. Crawford has completed the same requirements as if applying for a new CCN. He is not proposing to increase the number of vehicles and wishes to operate London Cab Company as is. Effectively, it will continue to operate as it has in the past, but under new ownership.

Council Member Wayne Frost asked if the name of the company would change.

Chuck Ewings stated that the name would change in 180 days.

MOTION: Council Member Kasha Williams made a motion the following Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, TRANSFERRING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR CHRIS LONDON, D/B/A "LONDON CAB COMPANY," TO KENNETH CRAWFORD FOR THE OPERATION OF PUBLIC VEHICLES FOR HIRE (TAXICABS) WITHIN THE CITY OF LONGVIEW; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE GRANTING OF SAID CERTIFICATE; AUTHORIZING THE CITY SECRETARY TO DRAFT AND ISSUE SUCH EVIDENCE AND PROOF OF THIS CERTIFICATE OF CONVENIENCE AND NECESSITY AS THE CITY SECRETARY MAY DEEM APPROPRIATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE.

SECOND: Council Member Wayne Frost seconded the motion.

VOTE: The motion carried unanimously (6,0).

Such Resolution is No. 4439 and appears in the Resolution and Ordinance records of the City of Longview.

- C. Consider a Resolution authorizing the publishing and posting of a substantial amendment to the FY11-12 Consolidated Action Plan Document and FY11-12 Community Development Block Grant**

(CDBG) budget to begin the HUD mandatory 30-day citizen comment period –

Anji Johnson, Manager, Housing and Community Development, requested Council to consider a Resolution authorizing the publishing and posting of a substantial amendment to the FY11-12 Consolidated Action Plan Document and FY11-12 Community Development Block Grant (CDBG) budget to begin the HUD mandatory 30-day citizen comment period.

The federal CDBG program was designated \$692,222.00 to the City's CDBG line of credit for FY11-12. The City is requesting a substantial amendment to the Consolidated Action Plan and CDBG budget to change the scope of public facility activities on (1) Replacement of water/sewer lines – High Street (Ames) and Marshall Avenue (Whaley) to Replacement of water lines – Commerce Street and Avenue C in the amount of \$229,351.31.

The amended plan and budget will be returned to Council for a Public Hearing prior to approval in June 2012. Backup documents will be available for review in the Housing/Community Development Office during the 30-day citizen comment period.

MOTION: Council Member Daryl Williams made a motion the following Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE POSTING AND PUBLISHING OF A SUBSTANTIAL AMENDMENT TO THE 2011 CONSOLIDATED PLAN DOCUMENT AND CDBG BUDGET AND TO BEGIN THE CITIZEN COMMENT PERIOD AS REQUIRED; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

SECOND: Council Member John Sims seconded the motion.

VOTE: The motion carried unanimously (6,0).

Such Resolution is No. 4440 and appears in the Resolution and Ordinance records of the City of Longview.

D. Consider a Resolution to publish and post the draft FY12 Annual Housing Plan (PHA) and Consolidated Action Plan documents, and proposed Community Development Block Grant (CDBG) and HOME budgets and supporting policy documents to begin the HUD mandatory 45-day public comment period –

Anji Johnson, Manager, Housing and Community Development, requested Council to consider a Resolution to publish and post the draft FY12 Annual Housing Plan (PHA) and Consolidated Action Plan documents, and proposed Community Development Block Grant (CDBG) and HOME budgets and supporting policy documents to begin the HUD mandatory 45-day public comment period.

Both plans and budgets will be returned to Council for a Public Hearing prior to approval in June, 2012. Backup documents will be available for public review in the Housing/Community Development Office during the 45 day public comment period.

MOTION: Council Member Kasha Williams made a motion the following Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE POSTING AND PUBLISHING OF THE FY2012 ANNUAL PHA HOUSING PLAN AND CONSOLIDATED PLAN AND BUDGETS, AND SUPPORTING DOCUMENTS, AND TO BEGIN THE CITIZEN COMMENT PERIOD AS REQUIRED; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

SECOND: Council Member Daryl Williams seconded the motion.

VOTE: The motion carried unanimously (6,0).

Such Resolution is No. 4441 and appears in the Resolution and Ordinance records of the City of Longview.

Mayor Jay Dean excused himself from Council Chambers after turning over the meeting to Senior Council Member Daryl Williams.

E. Consider the acceptance or rejection of proposals for collection and processing of recyclables and authorizing and directing the City Manager or the City Manager's designee to execute any related documents –

Dwayne Archer, Sanitation and Fleet Services Manager, stated that proposals were received from Allied Waste Services and IESI. Both proposals offered adequate collection systems, collection rate would include all households whether recycling or not, and both included 95 gallon collection carts. After all the costs and compensations the bottom line residential rate increase to all households by Allied Waste would be \$1.94 and IESI would be \$3.01.

Sanitation's proposal is to continue to offer the 18 gallon bin at zero cost. We would like to make the 95 gallon cart available to our customers for a \$1.00 rental fee per month to ensure that the cart is used only for recyclables. If every customer in Longview decided to use the carts, that would give the Sanitation Department \$294,000.00 annually. We will know the dollar amount of compensation per ton of recyclables after receiving bids for processing.

Council Member Daryl Williams clarified that the cost per household in the first two proposals was for each household whether they recycled or not. The City proposal only costs households that request the larger cart while the blue bin will continue at no extra cost.

Dwayne Archer suggested that instead of the drivers going down every street looking for carts and bins, he would establish a data base of people that actually want to recycle. Then only route to those residences.

Council Member Wayne Frost asked about the life of the bins.

Dwayne Archer: There is a 10 year warranty, all are serial numbered and cost about \$50.00 each.

Council Member Sidney Allen: What if a customer's cart is stolen?

Dwayne Archer: We would ask them to fill out a police report.

Council Member Daryl Williams: The compensation per ton in the City's proposal would have to be negotiated. If we negotiated a fee then could it come off of what we charge the customer?

Dwayne Archer: It would be added back to the Sanitation fund and reduce our costs.

Reid Donaldson, Allied Waste Services/Republic Services, stated that based off costs that his company currently uses, the City's monthly cost per home (using 24,500 homes from the RFP) would be \$1.93. Then after adding the \$1.00 cart rental the amount goes up to \$2.93 which is already higher than the \$2.90 that he proposed. So in general the costs are right in line. The difference is that the City would only bill the customers that need the carts. The costs you have in front of you do not include supervisory, capital costs, etcetera. There is \$1.3 million just in carts alone here and about \$700,000 in trucks that also in not included in that figure. This is the most aggressive proposal we have ever made in this area. This includes some very unique trucks that have not been used east of the Metroplex. It offers a rebate for every ton that you take out of the trash containers and put into the recycle cart.

David Willard, City Manager: You had an opportunity to put down a subscription service. Did you bid that?

Reid Donaldson: No. We can do that but the rate gets rather high. He stated it would be difficult to know how many people would be putting out carts any given week.

David Willard: So our number is not like your number.

Council Member Daryl Williams agreed with Mr. Willard. He stated that the City's number is based subscriptions not on every household.

MOTION: Council Member Wayne Frost made a motion to reject all proposals. The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, REJECTING PROPOSALS FOR THE COLLECTION AND PROCESSING OF SINGLE-STREAM RECYCLABLES; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE COMPETITIVE PURCHASING REQUIREMENTS IN SOLICITING AND REJECTING SAID PROPOSALS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER

**FINDINGS AND PROVISIONS RELATED TO THE
SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

SECOND: Council Member John Sims seconded the motion.

VOTE: The motion carried unanimously (5,0).

Such Resolution is No. 4442 and appears in the Resolution and Ordinance records of the City of Longview.

Mayor Jay Dean returned to Council Chambers resuming the meeting from Senior Council Member Daryl Williams.

Mayor Jay Dean asked if there was a directive to be given to Staff regarding the pickup and collection.

Jim Finley, City Attorney, stated that the only thing at this point would be if they were going to impose some type of fee for the container which would need to be approved by Council. Scheduling of the pickup would not need to come in front of Council. As far as finding someone to buy our materials that would be a separate matter before Council.

IX. ITEMS OF COMMUNITY INTEREST

Council Member John Sims welcomed Dr. Greg Hatzis' family from New Jersey to Longview.

Council Member Kasha Williams stated that this weekend is the Longview High School Prom and reminded citizens to be very careful, safe and have a great time in our city.

The Amtrak Anniversary Train is coming to Longview on April 27, 28 and 29. Please come down to the Depot. On Friday we will have a ground breaking for the new renovation. It will be very unique thanks to Ms. Laura Hill and her staff.

The Historic Farmers Market is this Saturday in downtown Longview. Go get your fresh fruit and vegetables. Get there early before they are gone.

Council Member Wayne Frost encouraged everyone that has a recycling blue bin to use it to help reduce it now. The City can handle it. You can put in plastics that are 1's and

2's, metal cans, newspapers, magazines, cardboard and milk jugs. Put them out on Wednesdays. That will get it out of the landfill and save \$20.00 per ton.

Council Member Sidney Allen asked who the citizens would call if they want a blue bin.

Dwayne Archer: Call 903-237-1250 and we will get one delivered.

Mayor Jay Dean: Downtown Live at 5:00 will have the Daniel Foster Band from 5:00 p.m. to 7:00 p.m. There will be refreshments, live music and vendors. This free event is held at Heritage Plaza, at the corner of Green and Methvin Streets in downtown Longview.

Citywide Cleanup, Tire Recycling and Electronics Recycling will be held on Saturday, April 14th from 8:00 a.m. to noon at the Longview Public Library. For more information, contact 903-237-1390.

The Longview Police Department Women's Handgun Safety is Thursday, April 19th, starting at 6:00 p.m. at the Maude Cobb Activity Center located at 100 Grand Avenue. For more information, call 903-808-3388.

Dalton Days is this weekend at the newly renovated Longview Rodeo Arena. Please come out to support the event and check out the new arena.

Next week is crawfish time, the Heritage Festival and the Longview/Greggton Rotary Club's Rodeo. Please come out and support all of these activities that bring a lot of money back into our community.

MOTION: Council Member Kasha Williams made a motion to excuse Council Member Richard Manley.

SECOND: Council Member Wayne Frost seconded the motion.

VOTE: The motion carried unanimously (6,0).

X. ADJOURN

The meeting was adjourned at 6:10 p.m.

[seal]

Shelly Ballenger
City Secretary

